

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BMT DESIGNERS & PLANNERS, INC.,
fdba BMT D&P, fdba BMT fdba BMT DAS US,

Case No. 22-10123 (MG)

Debtor.

.....X

**ORDER PURSUANT TO RULE 2004 OF THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE, DIRECTING THE PRODUCTION OF
DOCUMENTS BY TRUIST BANK *f/k/a* SUNTRUST BANK**

Upon the application (“Application”)¹ of Salvatore LaMonica, Esq., solely in his capacity as the Chapter 7 Trustee (“Trustee”) of the Estate of the Debtor, BMT Designers & Planners, Inc., fdba BMT D&P, fdba BMT fdba BMT DAS US, by and through his counsel, LaMonica Herbst & Maniscalco, LLP (“LH&M”), seeking entry of an Order, pursuant to Bankruptcy Rules 2004 and 9016, directing the production of certain records, documents and electronic files that are in the possession, custody and/or control of Truist Bank *f/k/a* SunTrust Bank (“Bank”); and good and sufficient cause appearing; and no adverse interest being represented, it is hereby

ORDERED, that pursuant to Bankruptcy Rule 2004, the Application is approved; and, it is further

ORDERED, that pursuant to Bankruptcy Rule 9016, LH&M, as officers of the Court, are authorized and directed to issue a subpoena to Signature Bank in accordance with Rule 45(a)(1)(A) of the Federal Rules of Civil Procedure directing the production of documents set forth more fully herein; and, it is further

¹ Capitalized terms not otherwise defined herein shall have the definitions ascribed to them in the Application.

ORDERED, that Trustee may issue subpoenas directing the Bank to produce documents in response to the request attached hereto as **Schedule I** (“Document Request”) without prejudice to the right of the Bank to object in accordance with the applicable rules; and, it is further

ORDERED, that thirty (30) days’ notice for the production of the records, documents and electronic files set forth above shall be deemed good and sufficient notice of the production of such records, documents and electronic files; and, it is further

ORDERED, that service of a copy of this Order and any subpoena by overnight delivery or certified mail to the Bank at its last known address, place of business or such other address as the Trustee may subsequently discover, shall be deemed good and proper service of this Order and such subpoena; and, it is further

ORDERED, that the Trustee is authorized to do such things and expend such funds as may be reasonably necessary to effectuate the terms of this Order.

Dated: October __, 2022
New York, New York

Honorable Martin Glenn
Chief United States Bankruptcy Judge

SCHEDULE I
SCHEDULE OF DOCUMENTS TO BE PRODUCED

Definitions

“Debtor” shall mean BMT Designers & Planners, Inc., fdba BMT D&P, fdba BMT fdba BMT DAS US.

As used herein, “document” shall include every record in your possession, custody or control including, without limitation, any writings, drawings, graphs, charts, photographs, phone records, notes, computer storage and other computerized records (including e-mails), and other data compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of this term.

“Person” shall mean any natural person or any business, legal or governmental entity or association.

“Trustee” shall mean Salvatore LaMonica, Esq., solely in his capacity as Chapter 7 Trustee of the Debtor’s estate.

The terms “all,” “each” and “any” shall be construed to mean all, each and any.

The connectives “and” and “or” shall be construed either disjunctively or conjunctively so as to bring within the scope of the document request all responses that might otherwise be construed to be outside of its scope.

The use of the singular form of any word includes the plural and vice versa.

Instructions

If objection is made to the production of a document upon a claim of privilege, you shall identify each document for which the privilege is claimed, together with the following information with respect to each such document: date, sender, addressee, number of pages, subject matter, the basis on which privilege is claimed, persons to whom copies were furnished, together with their employer and job titles as of the date such document was furnished and, if different, their present employer, job title and present work or residence address.

If any document is missing or has been destroyed, then identify the following information with respect to each such document: date, sender, addressee, number of pages, subject matter, persons to whom copies were furnished, together with their employer and job titles as of the date such document was furnished and, if different, their present employer, job title and present work or residence address.

The documents requested by the Trustee include all documents that are or came into your possession or control, unless otherwise stated, during the period from June 1, 2015 through the date of your production of such documents to the Trustee.

The Trustee requests that the requested documents should be submitted by e-mail to counsel for the Trustee, LH&M, to the attention of Cristina Lipan, Esq., cl@lhmlawfirm.com.

Documents

1. With respect to BMT Designers & Planners Inc. Operating Account, (account number ending in 8340), copies of all statements, cleared checks, withdrawals, wire confirmations, deposits and signature cards for the period October 1, 2015 through and including February 28, 2022.

2. With respect to BMT Designers & Planners Inc. Money Market Account (account number ending in 4239), copies of all statements, cleared checks, withdrawals, wire confirmations, deposits and signature cards for the period October 1, 2015 through and including February 28, 2022.

3. With respect to BMT Designers & Planners Inc. Payroll Account (account number ending in 8359), copies of all statements, cleared checks, withdrawals, wire confirmations, deposits and signature cards for the period October 1, 2015 through and including February 28, 2022.

4. With respect to any other accounts belonging to the Debtor not otherwise listed above, copies of all monthly bank statements, cleared checks, withdrawals, wire confirmations, deposits and signature cards for the period October 1, 2015 through and including February 28, 2022.